

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 9th January, 2024

Present: Cllr M D Boughton (Chair), Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

In attendance: Councillors L Athwal*, M A J Hood*, D W King, A Mehmet*, K S Tunstall* was also present pursuant to Access to Information Rule No. 23.

Virtual Councillors J Clokey, D A S Davis, F A Hoskins, Mrs A S Oakley, W E Palmer, M R Rhodes, D Harman and S Crisp participated/listened to the discussion in accordance with Access to Information Rule No 23.

(*left the meeting after agenda item 6)

Apologies for absence were received from Councillors R P Betts and M A Coffin for in-person attendance. However, they participated/listened to the discussion via MS Teams.

PART 1 - PUBLIC

CB 24/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

CB 24/2 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Cabinet held on 8 November and on 5 December be approved as a correct record and signed by the Chair.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE NON-KEY DECISIONS

CB 24/3 EXTENSION OF GREEN BELT - PETITION

(Decision Notice: D240002CAB)

Consideration was given to a petition received from East Malling and Larkfield and West Malling Parish Councils 'seeking support for an

extension to the Green Belt to protect the green fields between East and West Malling and Kings Hill’.

The petition organisers addressed the Cabinet in accordance with the Borough Council’s Petition Scheme, as set out in the Constitution, and expressed concern at any potential reliance on strategic gap policy that was undefined and could weaken the adoption of the Local Plan. Petitioners felt that an extension of the green belt would strengthen the Borough Council’s position in protecting historic and rural communities. Concern was also expressed that the expansion of Kings Hill would create an urban sprawl between West Malling, East Malling and Kings Hill.

Due regard was given to the views of the petition organisers and Local Plan, financial and value money considerations, legal implications and risk and equality impact assessments detailed in the report of the Director of Planning, Housing and Environmental Health. Whilst Cabinet understood the points raised by the petitioners, it was recognised that potential extensions to the Green Belt boundary required to be led by evidence and any decisions prior to this being made available were likely to be subject to challenge, which presented risks to future adoption of the Local Plan and damage to the reputation of the Borough Council. However, the Borough Council would continue to explore all options to ensure that settlements retained their own identities.

On the grounds that any decision to formally and firmly support a Green Belt extension at this stage in the plan preparation would be premature and not based on available evidence and would, therefore, likely fail Local Plan examination it was proposed by Cllr Boughton seconded by Cllr Keers and

RESOLVED: That

- (1) the Petition seeking support for an extension to the Green Belt be received and noted; and
- (2) all policy options continue to be explored to provide protection for the green belt and open land.

[Speakers: Cllr Mrs T Dean and Cllr D Thornewell as petition organisers representing West Malling and East Malling and Larkfield Parish Councils]

CB 24/4 TONBRIDGE MODEL ENGINEERING SOCIETY - PETITION

(Decision Notice: D240003CAB)

Consideration was given to a petition from the Tonbridge Model Engineering Society 'urging Tonbridge Council to think again about the new Leisure Centre location'.

The petition organisers addressed the Cabinet in accordance with the Borough Council's Petition Scheme and, whilst understanding that new facilities would be a benefit to Tonbridge, reminded of the importance of preserving local heritage and that the miniature railway was a cherished part of the towns community as demonstrated by the number of signatures on the petition.

In response to a point of order seeking clarification around Members Interests, particularly for trustees of the Tonbridge and Malling Leisure Trust, the Interim Monitoring Officer agreed that as the petition did not relate to financial matters there was no need to declare an Other Significant Interest (OSI). The Member in question was not a member of the Cabinet. However, it was noted that if an OSI existed the Member would be entitled to address the meeting before withdrawing as long as the public could speak on the same matter.

Due regard was given to the points made by the petition organisers and the views expressed by local Members, who also recognised that the miniature railway was a valuable and much loved feature of Tonbridge. It was also emphasised that, although the Tonbridge and Malling Leisure Trust had indicated in their business plan that the miniature railway site was their preferred location if leisure facilities were relocated from the Angel Centre, there was no formal Council decision in place relating to this point. The difficulties associated with the site in terms of flooding and parking were widely known and accepted.

There was robust discussion on a number of points including the unsuitability of the site for development due to flooding, the value of the miniature railway as a community asset and the hope that Cabinet would reinforce the Borough Council's existing position in respect of the site. Reference was made to the ongoing review of Borough Council owned property assets in Tonbridge and it was hoped that the report of the external consultant would be available for further consideration as soon as possible.

On the grounds of providing clarity for the Tonbridge Model Engineering Society, it was proposed by Cllr Boughton seconded by Cllr Taylor that the Borough Council's existing position be confirmed as set out below. The Leader also committed to sending a formal letter to Tonbridge Model Engineering Society setting out the final decision and to apologise for any anxiety caused.

RESOLVED: That

- (1) the existing position be confirmed:
 - the site currently occupied by the Tonbridge Model Engineering Society for the Miniature Railway continued to be available for this purpose and would not be used for alternative leisure facilities in Tonbridge; and
- (2) Tonbridge Model Engineering Society be invited to put forward proposals to start a negotiation over an updated agreement between the two parties for this use on site.

[Speakers: Mr Harwood and Mr Low as petition organisers and on behalf of Tonbridge Model Engineering Society]

CB 24/5 REVIEW OF FEES AND CHARGES 2024/25

(Decision Notice: D240004CAB)

Consideration was given to recommendation FRP 23/28 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023 in respect of proposed fees and charges for the provision of services related to legal fees, photocopying, Street Name and Numbering, local land charge searches and enquiries, Tonbridge Castle and recovering unpaid Council Tax debts from 1 April 2024.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that in bringing forward the charging proposals for 2024/25 consideration had been given to a range of factors including the Borough Council's overall financial position, market position, trading patterns and the current rate of inflation and customer feedback.

RESOLVED: That

- (1) the proposed charges for legal costs, as set out in 1.2 of the report, be adopted with effect from 1 April 2024;
- (2) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate, as set out in 1.3.4 of the report, be retained;
- (3) the proposed fee schedules for Street Naming and Numbering, as set out in 1.4 of the report, be adopted with effect from 1 April 2024, subject to noting that, following clarification requested by the Finance, Regeneration and Scrutiny Select Committee, the

percentage fee increases set out in the table were correct and paragraph 1.4.4 should indicate that ‘... as a starting point of 7%’;

- (4) the proposed scale of fees for local land charges searches and enquiries, as set out in Annex 1 and 1.5 of the report, be adopted with effect from 1 April 2024;
- (5) the proposed fees and charges for 2024/25 related to Tonbridge Castle, as set out in 1.6 of the report, be adopted with effect from 1 April 2024; and
- (6) the amount of costs charged in 2024/25 to recover unpaid Council Tax debts be increased from £100 to £110, as set out in 1.7 of the report, with effect from 1 April 2024.

CB 24/6 ECONOMIC DEVELOPMENT STRATEGY 2023 - 2027

(Decision Notice: D240005CAB)

Consideration was given to recommendation FRP 23/29 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023.

Cabinet gave due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications and noted that the proposed changes to the draft Economic Development Strategy 2023-2027 reflected the feedback received during the consultation exercise undertaken in Autumn 2023.

RESOLVED: That

- (1) the report be noted; and
- (2) the revised Economic Development Strategy 2023-2027, as set out in Appendix 1, be approved, subject to the definition of the ‘Markets’ as in ‘Programme of Town Centre Events and Markets’ under the theme of ‘Vibrant Town Centres’ being added to the Action Plan to clarify its coverage of farmers’ markets.

CB 24/7 REVIEW OF OUTSIDE BODIES

(Decision Notice: D240006CAB)

Consideration was given to recommendation OS 23/53 of the Overview and Scrutiny Committee of 16 November 2023 in respect of the recent review of appointments to outside bodies.

Cabinet gave due regard to the views of the Committee, the financial and value for money considerations and the legal implications and supported the distribution of outside bodies appointments being divided

between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees to enable effective engagement to be undertaken as it was recognised that the organisations all operated very differently, with varied requirements from their nominated representative. As a result of the review, there was consensus that the perceived benefits were being achieved although it was apparent that there was a lack of consistent reporting back to the Borough Council.

RESOLVED: That

- (1) the approach of distributing the annual appointments to outside bodies list between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees, as set out in 1.2.3 of the report, be endorsed by Cabinet; and
- (2) each Scrutiny Committee be invited to consider how to receive feedback from the outside bodies assigned to them.

CB 24/8 SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS REPORT AND TEMPORARY ACCOMMODATION PROVISION ACTION PLAN

(Decision Notice: D240007CAB)

Consideration was given to recommendation FRP 23/29 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023 in respect of a Temporary Accommodation Portfolio Action Plan (attached at Annex 2).

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications and noted that the Action Plan had been developed to address sustainable TA provision. The Action Plan had been informed by a consultant's options report.

Finally, it was noted that further details in respect of temporary accommodation options would be presented to full Council in due course.

RESOLVED: That the Temporary Accommodation Portfolio Action Plan (attached at Annex 2) be approved and adopted.

EXECUTIVE KEY DECISIONS

CB 24/9 REVIEW OF THE PLANNING PERFORMANCE AGREEMENT PROTOCOL AND FEE CHARGING SCHEDULE 2024/25

(Decision Notice: D240008CAB)

Consideration was given to recommendation HP 23/26 of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of the review of the Planning Performance Agreement Protocol (PPA) and fee charging schedule for 2024/25.

Due regard was given to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications. Cabinet welcomed the introduction of an 'inception meeting' to support the Planning Performance Agreement Protocol and recognised that, whilst fees were set on a cost recovery only basis, the current fee schedule did not recover the full costs of the service. Therefore, Cabinet supported the revised charging schedule for 2024/25 (attached at Annex 3).

RESOLVED: That

- (1) the amendment and publication of the Planning Performance Protocol (attached at Annex 1) be approved;
- (2) the inception meeting (attached at Annex 2) be adopted; and
- (3) the updated Planning Performance Agreement charging schedule for 2024/25 (attached at Annex 3) be adopted.

CB 24/10 REVIEW OF FEES AND CHARGES 2024/25 FOR PRE-APPLICATION ADVICE SERVICE, BUILDING CONTROL FEES AND FOR HIGH HEDGES AND S106 MONITORING FEES

(Decision Notice: D240009CAB)

Consideration was given to recommendation HP 23/37 of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of fees and charges for pre-application advice, building control, high hedges and s106 monitoring fees for 2024/25.

Due regard was given to the views of the Scrutiny Select Committee, financial and value for money considerations and legal implications. It was recognised that fees were set on the basis of cost recovery and/or increased by the baseline rate of the inflation. Cabinet welcomed the benchmarking exercises undertaken against the fees charged by other local authorities in Kent which had been detailed in the report to the Scrutiny Select Committee.

RESOLVED: That

- (1) the proposed Pre-application Charging Schedule 2024/25 (attached at Annex 1) be adopted;
- (2) the proposed Building Control Fee Schedule 2024/25 (attached at Annex 2) be adopted;

- (3) the proposed charging fees for High Hedges (detailed in the Scrutiny Select Committee report) be adopted; and
- (4) the proposed charging fees for s106 monitoring, including an update to the Planning Obligations Protocol S106 (detailed in the Scrutiny Select Committee report) be adopted.

CB 24/11 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2024/25

(Decision Notice: D240010CAB)

Consideration was given to recommendation HP 23/38 of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of fee charges for HMO and Caravan Site Licensing for 2024/25. Due regard was given to the views of the Scrutiny Select Committee, financial and value for money considerations and legal implications. Following a review of administrative costs associated with charging for HMO and caravan site licences, proposals for revised charges were detailed in the report considered by the Scrutiny Select Committee. Cabinet welcomed the data from neighbouring Kent authorities for comparison.

RESOLVED: That with effect from 1 April 2024

- (1) the proposed charge of £753 for processing a new mandatory house in multiple occupation (HMO) licence application, as set out in 1.1.5 of the report, be approved;
- (2) the proposed charge of £675 for processing a renewal application for a mandatory HMO licence, as set out in 1.1.5 of the report, be approved;
- (3) the proposed charge of £475 for processing a new caravan site licence application where the use of the site was for permanent residential use, as set out in 1.2.3 of the report, be approved;
- (4) the proposed charge of £232 for the transfer of a caravan site licence for a permanent residential use site, as set out in 1.2.3 of the report, be approved; and
- (5) the proposed charge of £273 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites, as set out in 1.2.7 of the report, be approved.

MATTERS SUBMITTED FOR INFORMATION**CB 24/12 CORPORATE KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were aligned to the priorities as identified in the adopted Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis.

Cabinet noted the positive, static and negative trends as detailed in the report and welcomed the inclusion of benchmarking data in the next cycle of reporting.

Finally, Cabinet recorded appreciation to Services for the good progress being made against key priorities and there would be continued focus on areas on improvement.

CB 24/13 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the meetings of the Parish Partnership Panel and the Tonbridge Community Forum of 9 November 2023 and 27 November 2023 were received and noted.

CB 24/14 DECISIONS TAKEN BY CABINET MEMBERS

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

CB 24/15 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.55 pm